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Monsanto

LAW DEPARTMENT

Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

December 15, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Marsha A. Adams
5HMS-5J, Responsible Party
Search Section
U.S. Environmental Protection
Agency, Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Sauget Area I
Sauget, Illinois

Dear Ms. Adams:

As set forth in our November 15, 1994 correspondence on the matter referenced above, we wish to substantiate the Confidential Business Information (CBI) claim which we had made in our October 17, 1994 response to the U.S. Environmental Protection Agency (U.S. EPA), Section 104(e) Information Request. While we had initially intended to also include, at this time, our CBI claim as to the large number of documents selected by U.S. EPA from files in Cerro Copper Products Company v. Monsanto Company and Monsanto Chemical Company, Docket No. 92-CV-204-WDS (USDC S.D. IL). However, as that material will now be delivered next week, we will address the CBI claims as to that submission in our transmittal letter next week. The remainder of this letter will address the CBI claims in relation to our October 17, 1994 submission.

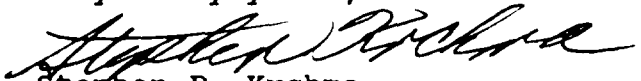
We now wish to assert a CBI claim for those documents as identified on the attached list. Following the format as suggested in your October 27, 1994 letter on this matter, our comments as to these documents are as follows:

1. The period of time for confidential treatment would be until the conclusion of any actions under federal or state remedial authority in relation to Sauget Area I, Sauget, Illinois. At that time, Monsanto would request that the identified documents be returned to Monsanto.

2. The measures which we have taken to guard against undesired disclosure of the information to others include limiting access to the documents by safeguarding them within Company files, restricting disclosure outside of Monsanto, and marking the documents themselves as "Company Confidential," "Privileged/Confidential" and other such appropriate markings.
3. The extent to which the information has been disclosed to others and the precautions taken in connection therewith are primarily related to various lawsuits in which Monsanto is involved. In all such litigation, Confidentiality Agreements are in place with opposing parties to limit the use of the documents solely to that litigation.
4. We are not aware of confidentiality determinations by U.S. EPA or other federal agencies as to these documents.
5. The disclosure of the information would be likely to result in substantial harmful effects to Monsanto's competitive position. Documents contain process/business information on Monsanto's manufacturing capacity, technology and costs related thereto. Given the long history of manufacturing at the facilities in question, as well as the age of the industrial processes involved, even "historical" data provides data from which a competitor could ascertain Monsanto's present day and future potential as to technology, product capacity and related raw material, manufacturing and capital costs.
6. Another issue which should be considered in this matter is that Sauget Area I in Sauget, Illinois is in close proximity to Monsanto's W.G. Krummrich plant. Accordingly, while certain plant specific information may therefore be relevant to issues in Sauget Area I, it also raises the specter of undue interference/disclosure of Monsanto's manufacturing processes within the plant. Accordingly, great care must be taken that the data relating to business/manufacturing processes within the plant are not inadvertently disclosed during the course of Sauget Area I activities.

If you have any questions concerning any of the foregoing matters, please do not hesitate to contact me at 314/694-1278.

Very truly yours,


Stephen P. Krchma
Environmental Counsel

cc: Thomas J. Martin
Assistant Regional Counsel
U.S. EPA, Region V

SAUGET AREA I, SAUGET, ILLINOIS
CONFIDENTIAL BUSINESS INFORMATION CLAIMS
FOR MONSANTO COMPANY SUBMISSION TO
U.S. ENVIRONMENTAL PROTECTION AGENCY (OCTOBER 17, 1994)

Exhibit 3.2

"Krummrich Plant White Paper" dated July 3, 1968 (MCO 1543672-710)

Exhibit 3.3

"Report on Disposal of Solid Toxic Wastes, Residues and Trash from J.F. Queeny and W.G. Krummrich Plant, Report No. 80" (MCO 8032657-682)

Exhibit 3.4

"Long-Range Sewer Plan--WGK Plant Part IV: Proposed New Trunk Sewers for WGK Plant" (WGK 4064906-962)

"Capital Appropriations Request, No. CEA-3808," dated June 23, 1983 (CER 077437-446)

"Water Pollution Control--W.G. Krummrich Plant," dated July 16, 1974 (CER 092184-221)

"ACL Waste Treatment Plant CEA-7662," dated February 6, 1981 (MCO 0180615-618)

"Progress Report, Technical Services Department, W.G. Krummrich: ACL Interim Waste Treatment Start-up (TSD Job and Report No. 91370:4747)" dated June 11, 1981 (MCO 1297206-211)

"MCB Still Rupture Disk Vent Line--Project Scope," dated November 21, 1983 (WGK 2000800-817)

"Appropriation Estimate, Krummrich Sewer--Phase I, CEA3088," dated February 3, 1976 (WGK4023830-930)

"Appropriation Project Definition Report , Main South Trunk Sewer, Monsanto Industrial Chemicals Company, W.G. Krummrich Plant, CEA3808," dated March 28, 1983 (MCO 6360418-436)

"Project Initiation Request, Main South Trunk Sewer, PIR No. 3808," dated August 12, 1982 (MCO 6360440-445)

"Project Premise Report, Main South Trunk Sewer, CEA3808," dated March 4, 1982 (MCO 6360490-497)